



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,506	08/18/2003	Christian Sebastian Seifert	1509-441	1691
22879 7590 03/17/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
LONG, ANDREA NATAE				
ART UNIT		PAPER NUMBER		
2176				
NOTIFICATION DATE		DELIVERY MODE		
03/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM

mkraft@hp.com

ipa.mail@hp.com

Office Action Summary**Application No.**

10/642,506

Applicant(s)SEIFERT, CHRISTIAN
SEBASTIAN**Examiner**

Andrea N. Long

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-24 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. In view of the appeal brief filed on 12/03/2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Doug Hutton/
Doug Hutton
Supervisory Primary Examiner
Technology Center 2100

The Office action following a reopening of prosecution may be made final if all new grounds of rejection were either (A) necessitated by amendment or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(c) was filed. See MPEP § 706.07(a).

FINAL ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Dependent claim 2 contains the limitation “while the menu is being opened, none of the two-dimension actuator and one-dimension actuator control movements of the pointer”. There is no mention in the original Specification of wherein while the menu is being opened, none of the two-dimension actuator and one-dimension actuator control movements of the pointer.

If the examiner has overlooked the portion of the original Specification that describes this feature of the present invention, then Applicant should point it out (by page number and line number) in the response to this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-5 and 7-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (US Patent 6,128,006).**

As to dependent claim 1, Rosenberg teaches a graphical user computer interface wherein said pointing device comprises a two-dimension actuator (Fig 1 reference character 12, column 6 lines 17-22), and a one-dimension actuator (Fig 1 reference character 16, column 4 lines 43-64),

the interface is arranged such that the two-dimension actuator controls movements of the pointer when said menu is not opened (column 16 lines 54-57) , and

the one-dimension actuator is activated, when the menu is opened, to control movement of the menu item focus within the menu (column 17 lines 32-38).

As to dependent claim 2, Rosenberg teaches a graphical user interface having a one and two dimension actuator. While Rosenberg does not explicitly teach while the menu is being opened, none of the two-dimension actuator and one-dimension actuator control movements of the pointer, it is reasonable for one skilled in the art to conclude that there is at least a fraction of time delay that occurs while the menu is opened for switching from a two-dimension to a

one-dimension actuator, in which will neither actuator has control over the movement of the pointer.

As to dependent claim 3, Rosenberg teaches that the menu is opened by positioning the pointer on a displayed element, associated with the menu, with clicking on the element (column 4 lines 40-41, column 17 lines 30-32).

As to dependent claim 4, Rosenberg teaches wherein the menu item is activated by positioning the focus thereon, with clicking on the menu item (column 5 lines 8-11, column 17 lines 32-38).

As to dependent claim 5, Rosenberg teaches an operational shift from a pointer modus to a menu item focus modus is activated automatically upon opening of the menu (column 17 lines 30-38→ Rosenberg discloses a pointer being operated by a mouse can be automatically disable once the menu has been opened then an item selection bar can be utilized for selecting a menu item).

As to dependent claim 8, Rosenberg teaches that an operation modus shifts from a menu item focus modus back to a pointer modus upon closing of the menu. It is inherent that upon closing of the menu would eliminate the highlighter/menu item selection bar, which the mouse that controls the movement of the pointer would be enabled.

As to dependent claim 9, Rosenberg teaches wherein the one-dimension actuator is a wheel (column 17 lines 32-34).

As to independent claim 10, Rosenberg teaches graphical user computer interface enabling a user to open at least one menu (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of a pointing device (column 17 lines 32-36), said pointing device controlling a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38),

wherein the interface is arranged such that, after the menu has been opened, the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

As to claim dependent 11, Rosenberg teaches that the menu is opened by positioning the pointer on a displayed element, associated with the menu, with clicking on the element (column 4 lines 40-41, column 17 lines 30-32).

As to dependent claim 12, Rosenberg teaches that the menu item is activated by positioning the focus thereon, with clicking on the menu item (column 5 lines 8-11, column 17 lines 32-38).

As to dependent claim 13, Rosenberg teaches that an operational shift from a pointer modus to a menu item focus modus is activated automatically upon opening of the menu (column 17 lines 30-38→ Rosenberg discloses a pointer being operated by a mouse can be automatically disable once the menu has been opened then an item selection bar can be utilized for selecting a menu item).

As to dependent claim 14, Rosenberg teaches that the menu item focus is movable while the menu is fixed, by operating the pointing device (Fig 9, column 17 lines 30-38).

As to dependent claim 15, Rosenberg teaches that the menu is closed by a relative movement of the menu item focus out of the menu, by operating the two-dimension actuator, or by selecting a menu closing item with the two-dimension actuator. As discussed above Rosenberg allows the one or two dimension actuator to select a menu item. It's implicitly implied if the menu item correlates to an exit as displayed in Fig 9 or close menu item the menu would close).

As to dependent claim 16, Rosenberg teaches wherein the pointing device is a computer-mouse (column 6 lines 17-20).

As to dependent claim 17, Rosenberg teaches wherein said pointing device comprises a two-dimension actuator (mouse) and a one-dimension actuator (wheel),

the interface is arranged such that the two-dimension actuator controls movements of the pointer when said menu is not opened (column 16 lines 54-57), and

the one-dimension actuator is activated, when the menu is opened, to control movement of the menu item focus within the menu (column 17 lines 32-38).

As to independent claim 18, Rosenberg teaches a computer (Fig. 1 reference character 18) comprising a display (Fig 1 reference character 20) and a pointing device (Fig 1 reference character 12), wherein said computer is programmed to provide a graphical user interface enabling a user to open at least one menu in the display (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of the pointing device (column 17 lines 32-36),

the pointing device controls a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38), and

after the menu has been opened and while the menu is being opened, the pointer stays at the position the pointer was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

As to dependent claim 19, Rosenberg teaches wherein said pointing device comprises a two-dimension actuator (Fig 1 reference character 12, column 6 lines 17-22), and a one-dimension actuator (Fig 1 reference character 16, column 4 lines 43-64),

the interface is arranged such that the two-dimension actuator controls movements of the pointer when said menu is not opened (column 16 lines 54-57) , and

the one-dimension actuator is activated, when the menu is opened, to control movement of the menu item focus within the menu (column 17 lines 32-38).

As to independent claim 20, a computer-readable medium containing thereon programming code which, when executed on a computer system, is arranged

to enable a user to open at least one menu in a display of said computer system and to select an item of the menu by means of a pointing device of said computer system (Figs. 4 and 9, column 17 lines 30-36),

to enable said pointing device to control a moveable pointer and a moveable menu item focus (column 16 lines 54-57, column 17 lines 36-38), and

after the menu has been opened and while the menu is being opened, to keep the pointer stationary, regardless of operation of the pointing device, at the position said pointer was in when the menu was opened, while enabling the menu item focus to be moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

As to independent claim 21, Rosenberg teaches a method for enabling a user of a graphical user computer interface to open at least one menu and to select an item of the menu by means of a pointing device (Figs. 4 and 9, column 17 lines 30-36), said pointing device having a two-dimension actuator (mouse) and a one-dimension actuator (wheel) and controlling a moveable pointer and a moveable menu item focus, said method comprising;

when the menu is not opened, controlling movements of the pointer with the two-dimension actuator (column 16 lines 54-57), and

when the menu is opened, activating the one-dimension actuator to control movement of the menu item focus within the menu, while enabling the two-dimensional actuator to control movements of both the menu item focus and the pointer within the menu (column 7 lines 54-57, column 19 line 45 through column 20 line 23 – taught as the functions controlled by the wheel can be synchronized or added to functions controlled by planar movement of mouse).

As to independent claim 22, claim 22 incorporates substantially similar subject matter as claim 10 and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 7, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg.**

As to dependent claim 7, Rosenberg teaches that the menu is closed by selecting a menu closing item with the one-dimension actuator or the two-dimension actuator. (Fig. 9)

Rosenberg does not teach that the menu is closed by a relative movement of the menu item focus out of the menu. It is reasonably suggestive for one skilled in the art, for a user to use a scroll wheel to scroll through menu items and if a user scrolls past the last menu item, then the

menu will close, such as that of using a mouse pointer that will close a menu when the pointer is out of the menu area. The motivation of having a scroll wheel that will close a menu by a relative movement of the wheel is to eliminate additional input actions by the user.

As to dependent claim 23, Rosenberg teaches that the menu is closed by selecting a menu closing item within the menu with the one-dimension or two-dimension actuator. As discussed above Rosenberg allows the one or two dimension actuator to select a menu item. Fig. 9 displays an “exit” menu item in the menu, which will cause the user to exit the system, which ultimately closes the menu. It would be reasonably suggestive to one skilled in the art to have a menu with a “close” menu item for selection that would close the menu such as that of pop-up or boxed menus, for quick closing of a menu.

As to dependent claim 24, Rosenberg teaches that the menu is closed by selecting a menu closing item within the menu with the one-dimension or two-dimension actuator. As discussed above Rosenberg allows the one or two dimension actuator to select a menu item. Fig. 9 displays an “exit” menu item in the menu, which will cause the user to exit the system, which ultimately closes the menu. It would be reasonably suggestive to one skilled in the art to have a menu with a “close” menu item for selection that would close the menu such as that of pop-up or boxed menus, which are selectable by a mouse pointer, due to the lack of a wheel to move in any other direction other than up and down, for quick closing of a menu.

Allowable Subject Matter

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 12/03/2007 have been fully considered but they are not persuasive.

First Ground of Rejection – 35 U.S.C. 102(b) rejections of claims 1-5 and 8-22 as being anticipated by Rosenberg

Independent Claim 10

Applicant asserts that Rosenberg fails to teach or disclose each and every element of the rejected claim, e.g., “the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer”.

The Examiner respectfully disagrees. Rosenberg teaches a wheel (one dimension actuator) and a mouse/cursor (two dimensional actuator). Rosenberg further provides two distinct methods in which the wheel and mouse/cursor can operate (independently of each other or in conjunction. For claim 10, Rosenberg is used to teach wherein the wheel and mouse/cursor operate independently of each other. Rosenberg discloses when a menu is opened by the

mouse/cursor that the vertical motion of the mouse can be disabled while the menu is displayed and control of a highlighter can be moved up and down by rotating the wheel. It should be made clear that since the wheel only has vertical movement that horizontal movement is not possible by the wheel. While Rosenberg clearly teaches the wheel and mouse/cursor being independent of each other (column 7 lines 52-54), even if the wheel and mouse/cursor took on the alternative method of Rosenberg which is to operate in conjunction with each other, the mouse/cursor vertical movement would still be disabled once the menu is open, for the highlighter to control movement within the menu and since the wheel does not have horizontal movement then the mouse/cursor will not have capability of moving horizontally. Therefore Rosenberg teaches "the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer".

It is noted that Applicant's arguments are based on the alternative mode of Rosenberg's invention which is for the wheel and mouse/cursor to operate in conjunction with each other. However the Examiner's analysis is based on Rosenberg's use of the wheel and mouse/cursor being used independently of each other.

Claim 2

Applicant asserts that Rosenberg fails to teach or disclose that "while the menu is being opened, none of the two-dimension actuator and one-dimension actuator control movements of the pointer".

The Examiner respectfully disagrees. It is first noted that the Examiner has not used inherency as the basis of the rejection, but rather what is implicit to one skilled in the art. As

stated above this limitation lacks support in the specification and provides no clear boundaries with respect to how the functionality of the limitation operates. As inferred by the Applicant, there can consist of numerous combinations with which both actuators can be in when opening the menu. However, it is still the Examiner's position that Rosenberg's teachings, particularly to the disclosure of changing the control from the mouse/cursor to the wheel, would provide one skilled in the art that a small time delay for the switching of control would take place, in which while changing neither actuators would have control.

Claim 15

Applicant asserts that Rosenberg fails to teach or disclose that the menu is closed by (i) a relative movement of the menu item focus out of the menu, by (ii) operating the two-dimension actuator, or by (iii) selecting a menu closing item with the two-dimension actuator".

The Examiner disagrees. Claim 15 as currently recited only requires one of the limitations to be met. Rosenberg is used to teach limitation (iii) selecting a menu closing item with the two-dimension actuator. This can be implicitly implied by Figure 9 which shows an "Exit" menu item. Rosenberg implicit use of the mouse/cursor to close the menu item would not contradict the presently recited limitation of claim 10 which requires the pointer to stay in the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer. As discussed above in claim 10, when the menu is opened the control of movement through the menu items is operated by the wheel. However this does not prevent the use of the user moving the mouse. The mouse still has available movement independently of the wheel.

Independent claim 20

Applicant asserts that Rosenberg fails to teach or disclose each any every element of the rejected claim, e.g., "after the menu has been opened and while the menu is being opened, to keep the pointer stationary, regardless of operation of the pointing device, at the position said pointer was in when the menu was opened, while enabling the menu focus item to be moveable within the menu by means of the pointing device without moving the pointer".

The Examiner disagrees. Rosenberg teaches a wheel (one dimension actuator) and a mouse/cursor (two dimensional actuator). Rosenberg further provides two distinct methods in which the wheel and mouse/cursor can operate (independently of each other or in conjunction. For claim 10, Rosenberg is used to teach wherein the wheel and mouse/cursor operate independently of each other. Rosenberg discloses when a menu is opened by the mouse/cursor that the vertical motion of the mouse can be disable while the menu is displayed and control of a highlighter can be moved up and down by rotating the wheel. It should be made clear that since the wheel only has vertical movement that horizontal movement is not possible by the wheel. While Rosenberg clearly teaches the wheel and mouse/cursor being independent of each other (column 7 lines 52-54), even if the wheel and mouse/cursor took on the alternative method of Rosenberg which is to operate in conjunction with each other, the mouse/cursor vertical movement would still be disabled once the menu is open, for the highlighter to control movement within the menu and since the wheel does not have horizontal movement then the mouse/cursor will not have capability of moving horizontally.

It is noted that while Rosenberg does not explicitly teach to keep the pointer stationary, regardless of operation of the pointing device, it is implicitly inferred to one of skilled artisan. It is reasonable to infer that Rosenberg only explicitly discloses enabling the vertical movement of the mouse because horizontal movement of the highlighter is not needed in his invention.

Independent claim 21

Applicant asserts Rosenberg fails to teach or disclose each and every element of the rejected claim, e.g., "when the menu is opened, activating the one-dimensional actuator to control movement of the menu item focus within the menu, while enabling the two-dimension actuator to control movements of both the menu item focus and the pointer within the menu."

The Examiner disagrees. Rosenberg discloses that the functions controlled by when can be synchronized or added to functions controlled by planar mouse movement. Additionally disclosed is individual menu items in a pull down menu may be selected by the user using the cursor. Once the pull-down menu has been displayed, the selection of menu item can be controlled by wheel moving the cursor. It is pointed out that the disablement of the mouse is an *optional function* (emphasis added).

Independent claim 22

Applicant asserts that Rosenberg fails to teach or disclose "after having opened the menu and while the menu is being opened, enabling the menu item focus to be moved within the menu by means of the pointing device while disabling the pointing device from moving the pointer.

The Examiner disagrees. Claim 22 is substantially similar in subject matter as that of claim 1. Refer back to the Examiner's analysis of the rejection of claim 1.

Second Ground of Rejection – 35 U.S.C. 103(a) rejection of claims 7 and 23-24 as being unpatentable over Rosenberg

Claim 7

Applicant asserts Rosenberg as applied by the Examiner fails to teach or suggest the claim feature that "the menu is closed by a relative movement of the menu item focus out of the menu". The Examiner's obviousness rejection is traversed as being evidentially unsupported, because the Examiner has failed to cite any teachings or suggestion in the art or Rosenberg in support of the holding of obviousness.

The Examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in *the knowledge generally available to one of ordinary skill in the art* (emphasis added). See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the supporting reference Rosenberg in addition to what is known to one skilled in the art were clearly presented why one skilled in the art would have combined the teachings. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known methods according to

Art Unit: 2176

their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. Additionally one must take into account of the inferences and creative steps that a person of ordinary skill in the art would employ.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included the scrolling functionality within a mouse to which is known to the skilled artisan for a user to use a scroll wheel to scroll through menu items and if a user scrolls past the last menu item, then the menu will close, such as that of using a mouse pointer, that will close a menu when the pointer is out of the menu area. The motivation of having a scroll wheel that will close a menu by a relative movement of the wheel is to eliminate additional input actions by the user.

Claim 24

The Applicant asserts that Rosenberg as applied by the Examiner fails to teach or suggest the claim feature that “the menu closing item is positioned within the menu at a place unreachable by the one-dimension actuator”.

The Examiner disagrees. To further clarify the Examiner’s previous position of the menu at a place unreachable by the one-dimension actuator, the analysis should additionally be taken in consideration with the analysis of claim 21 from which it depends, that provides combining the functions of both the wheel and mouse/cursor. The wheel only having vertical movement would not be able to access the horizontal menu and therefore a mouse pointer would be needed.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
February 27, 2008

/Doug Hutton/
Doug Hutton
Supervisory Primary Examiner
Technology Center 2100